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GP 3308

PART I

Fee
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Thomas Zdeblick et al.

Serial No. 08/411,017

Filed March 27, 1995

INTERBODY FUSION DEVICE AND
METHOD FOR RESTORATION OF
NORMAL SPINAL ANATOMY

Before the Examiner

D. Isabella

Group Art Unit 3308

September 18, 1996

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on September 18, 1996 (Date of Deposit)

Michael D. Beck
Name of Registered Representative

Michael D. Beck
Signature

September 18, 1996
Date of Signature

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENTAssistant Commissioner for Patents
Washington, D. C. 20231

Sir:

Pursuant to the duty of candor expressed in 35 U.S.C. § 1.53 and 1.98, Applicants disclose the following information. This IDS is being submitted after receipt of an Office Action so therefore the requisite fee of \$200.00 is hereby enclosed.

Applicants' agent has become aware of a pending application filed on June 7, 1995, in the name of Dr. Gary Michelson, serial no. 08/480,908. This application discloses a threaded frusto-conical fusion implant. The application does not disclose a fusion device having substantially flat opposite side walls, as defined in the claims 1-11 of the present application. It is further believed that the Michelson application does not disclose the materials defined in the dependent claims of this pending application.

The filing date of the cited application is subsequent to the filing date of the present application. In making this information disclosure, Applicants are not making

any representations regarding the status of this Michelson application as evidence of prior inventorship or prior art. Nevertheless, it is believed that the claims of the present application are patentably distinct over the information disclosed in this prior Michelson application.

Respectfully submitted,

By Michael D. Beck
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